

HONORABLE RICHARD S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Garry L. Taylor,

Plaintiff,

VS.

City of Sedro-Woolley, a municipal corporation,
and Austin McCombs, an individual, and Chris
Rogers, an individual,

Defendants.

NO. 2:20-cv-01714-RSM

**STIPULATED ORDER OF DISMISSAL
AND REMAND TO SKAGIT COUNTY
SUPERIOR COURT**

Noted for Consideration: January 4, 2021

STIPULATION

The parties hereby stipulate and agree that Plaintiff's Fourth Amendment false arrest and excessive force claims brought under 42 U.S.C. § 1983 shall be voluntarily dismissed without prejudice. Because these claims provided the basis for this Court's jurisdiction, the parties further stipulate and agree that Plaintiff's remaining Washington common law claims for assault and battery, negligence, outrage, and unlawful imprisonment should be remanded to the Skagit County Superior Court. Plaintiff further stipulates that Austin McCombs and Chris Roger shall be

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1 dismissed from the Skagit County Superior Court action. Defendant City of Sedro-Woolley
2 stipulates that Austin McCombs and Chris Rogers were acting in the course and scope of their
3 employment at all times material to the allegations in Plaintiff's Complaint. The parties further
4 agree that each party will bear its own attorney's fees and costs associated with this dismissal and
5 remand to Skagit County Superior Court.

6 IT IS SO STIPULATED.

7 DATED this 4th day of January, 2021.

8 CHRISTIE LAW GROUP, PLLC

LOWELL LAW OFFICE

9 /s/ Thomas P. Miller

Thomas P Miller, WSBA #34473
10 Attorneys for Defendants
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/s/ David D. Lowell

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14 **ORDER**

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16 THIS MATTER having come on regularly for hearing upon the stipulation of the parties set
forth above, and the Court being fully advised in the premises, now, therefore, it is hereby ORDERED,
17 ADJUDGED AND DECREED that Plaintiff's claims brought under 42 U.S.C. § 1983 are hereby
18 dismissed without prejudice. It is further ordered that this matter shall be remanded to Skagit
19 County Superior Court for adjudication of Plaintiff's remaining claims under Washington common
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1 law. Each side shall bear its own costs and attorney's fees associated with this dismissal and
2 remand.

3 SIGNED this 5th day of January, 2021.

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6 RICARDO S. MARTINEZ
7 CHIEF UNITED STATES DISTRICT JUDGE
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on January 4, 2021, I electronically filed the foregoing with the Clerk
3 of the Court using the CM/ECF system which will send notification of such filing to the following:

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11 By /s/ Thomas P. Miller
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STIPULATED ORDER OF DISMISSAL AND
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